

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

LAURA SHEETS,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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CAUSE NO.: 4:11-CV-51-TLS

ORDER

This matter is before the Court on the Report and Recommendation [ECF No. 21] of United States Magistrate Judge Paul R. Cherry, which was filed on January 14, 2013. In his Report and Recommendation, Judge Cherry recommends that the Commissioner's decision be remanded to the Administrative Law Judge (ALJ) for further administrative proceedings, specifically regarding the ALJ's determinations of credibility and the Plaintiff's residual functional capacity (RFC).

This Court's review of a magistrate's report and recommendation is governed by 28 U.S.C. § 636(b)(1), which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

The statute permits objections to the magistrate's report and recommendations to be made within fourteen days of service of a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b) (setting forth procedures for objecting to a magistrate's report and recommendation and the district court's resolution of any objections).

As of the date of this Order, no objection to the Report and Recommendation has been filed, and the time for making objections has now passed. The Court has reviewed the Report and Recommendation submitted by Judge Cherry and finds that his proposed disposition is well taken. The Court will remand this case because the Commissioner has failed to meet his burden to show a logical connection between the evidence and the ALJ's conclusion, particularly as it relates to his determination of the Plaintiff's credibility and her RFC as more fully set forth in the Report and Recommendation.

The Court ADOPTS the Report and Recommendation [ECF No. 21] in its entirety and ACCEPTS the recommended disposition. The Commissioner's decision is REMANDED for the ALJ to consider the record and make findings as set forth in the Report and Recommendation.

SO ORDERED on February 4, 2013.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION